

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

Blue Spike, LLC,

Plaintiff,

v.

Texas Instruments, Inc., et al.,

Defendants.

CASE NO. 6:12-cv-499 MHS

LEAD CASE

Jury Trial Demanded

Blue Spike, LLC,

Plaintiff,

v.

SpeechPro, Inc., and
Speech Technology Center, LLC,

Defendants.

CASE NO. 6:13-cv-059 MHS

CONSOLIDATED CASE

Jury Trial Demanded

**PLAINTIFF BLUE SPIKE’S REPLY IN RESPONSE TO
DEFENDANTS’ COUNTERCLAIMS**

Plaintiff Blue Spike, LLC (“Blue Spike”) files this Reply to the Counterclaims of Defendants SpeechPro, Inc. (“SpeechPro”) and Speech Technology Center, LLC (“STC”) (collectively “Defendants”) (Case No. 6:12-cv-499, Dkt. No. 554) as follows. All allegations not expressly admitted or responded to by Blue Spike are denied.

COUNTERCLAIMS BY SPEECH TECHNOLOGY CENTER, LLC

PARTIES

1. Blue Spike admits the allegations of Paragraph 1, upon information and belief.
2. Blue Spike admits the allegations of Paragraph 2.

JURISDICTION AND VENUE

3. Blue Spike admits that this Court has jurisdiction over STC's declaratory judgment claims and that an actual and substantial controversy exists. Blue Spike denies the remainder of Paragraph 3.

4. Blue Spike admits the allegations of Paragraph 4.

5. Blue Spike admits the allegations of Paragraph 5.

**FIRST COUNTERCLAIM
(DECLARATORY JUDGMENT OF NON-INFRINGEMENT)**

6. Blue Spike denies the allegations of Paragraph 6.

7. Blue Spike admits the allegations of Paragraph 7.

8. Blue Spike denies the allegations of Paragraph 8.

9. To the extent that Paragraph 9 contains allegations and not a prayer for relief, Blue Spike denies them.

10. Blue Spike denies the allegations of Paragraph 10.

**SECOND COUNTERCLAIM
(DECLARATORY JUDGMENT OF INVALIDITY)**

11. Blue Spike denies the allegations of Paragraph 11.

12. Blue Spike admits the allegations of Paragraph 12.

13. Blue Spike denies the allegations of Paragraph 13.

14. To the extent that Paragraph 14 contains allegations and not a prayer for relief, Blue Spike denies them.

15. Blue Spike denies the allegations of Paragraph 15.

16. Paragraph 16 does not contain any allegations requiring an admission or denial.

COUNTERCLAIMS BY SPEECHPRO, INC.

PARTIES

1. Blue Spike admits the allegations of Paragraph 1, upon information and belief.
2. Blue Spike admits the allegations of Paragraph 2.

JURISDICTION AND VENUE

3. Blue Spike admits that this Court has jurisdiction over SpeechPro's declaratory judgment claims and that an actual and substantial controversy exists. Blue Spike denies the remainder of Paragraph 3.
4. Blue Spike admits the allegations of Paragraph 4.
5. Blue Spike admits the allegations of Paragraph 5.

**FIRST COUNTERCLAIM
(DECLARATORY JUDGMENT OF NON-INFRINGEMENT)**

6. Blue Spike denies the allegations of Paragraph 6.
7. Blue Spike admits the allegations of Paragraph 7.
8. Blue Spike denies the allegations of Paragraph 8.
9. To the extent that Paragraph 9 contains allegations and not a prayer for relief, Blue Spike denies them.
10. Blue Spike denies the allegations of Paragraph 10.

**SECOND COUNTERCLAIM
(DECLARATORY JUDGMENT OF INVALIDITY)**

11. Blue Spike denies the allegations of Paragraph 11.
12. Blue Spike admits the allegations of Paragraph 12.
13. Blue Spike denies the allegations of Paragraph 13.
14. To the extent that Paragraph 14 contains allegations and not a prayer for relief, Blue Spike denies them.

15. Blue Spike denies the allegations of Paragraph 15.
16. Paragraph 16 does not contain any allegations requiring an admission or denial.

PRAYER FOR RELIEF

Blue Spike denies that Defendants are entitled to any of the relief they request.

BLUE SPIKE'S PRAYER FOR RELIEF

In addition to the relief requested in its Original Complaint, Blue Spike respectfully requests a judgment against Defendants as follows:

- (a) That Defendants take nothing by their Counterclaims;
- (b) That the Court award Blue Spike its costs and attorneys' fees incurred in defending against these Counterclaims; and
- (c) Any and all further relief for Blue Spike as the Court may deem just and proper.

/s/ Randall T. Garteiser
Randall T. Garteiser
Texas Bar No. 24038912
rgarteiser@ghiplaw.com
Christopher A. Honea
Texas Bar No. 24059967
chonea@ghiplaw.com
Christopher S. Johns
Texas Bar No. 24044849
cjohns@ghiplaw.com
Kirk J. Anderson
California Bar No. 289043
Peter S. Brasher
California Bar No. 283992
GARTEISER HONEA, P.C.
44 North San Pedro Road
San Rafael, California 94903
Telephone: (415) 785-3762
Facsimile: (415) 785-3805

Counsel for Blue Spike LLC

CERTIFICATE OF SERVICE

I, Randall T. Garteiser, am the ECF User whose ID and password are being used to file this document. I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this day. Pursuant to Federal Rule of Civil Procedure 5, this document was served via U.S. Mail and electronic means to counsel for Defendant that are not receiving this document via CM/ECF.

/s/ Randall T. Garteiser

Randall T. Garteiser